

DOCKET NO: 238873US6

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
TETSUJIRO KONDO, ET AL. : EXAMINER: KOVAL, MELISSA J
SERIAL NO: 10/674,090 :
FILED: SEPTEMBER 30, 2003 : GROUP ART UNIT: 2851
FOR: DISPLAY APPARATUS, IMAGE :
PROCESSING APPARATUS AND IMAGE
PROCESSING METHOD, IMAGING
APPARATUS, AND PROGRAM

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement mailed April 2, 2007, Applicants provisionally elect, with traverse, Invention I, drawn to Claims 1-21, and Species II, identified in the outstanding Office Action as corresponding to Figures 6-17, for further examination on the merits. Applicants identify Claims 1-21 as readable on the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected claims.

The Restriction Requirement asserts that the application contains claims to distinct inventions. However, MPEP § 803 states the following:

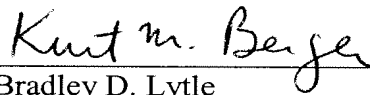
[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants respectfully traverse the Restriction Requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner, whereas it would be a serious burden on Applicants to prosecute and maintain separate applications.

However, if the present Restriction Requirement is not withdrawn, examination on the merits of Claims 1-21 is believed to be in order, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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